

REMARKS

Entry of the foregoing, re-examination and reconsideration of the subject matter identified in caption, as amended, pursuant to and consistent with 37 C.F.R. §1.112, and in light of the remarks which follow, are respectfully requested.

Initially, Applicants wish to acknowledge the telephonic interview conducted with Examiner Sines on January 17, 2006. The purpose of the interview was to determine the status of claims 9 and 25, which were indicated as rejected in box 6 of the PTOL-326 form attached to the Office Action, but not mentioned in the prior art rejection set forth on pages 2-6 of the Action. Examiner Sines indicated that it was his recollection that claims 9 and 25 were directed to allowable subject matter but requested that Applicants address the issue of patentability of these claims over the relied upon prior art.

Claim 9, 25 and 30 have been canceled. Claims 12 and 18 have been amended to add the feature of claims 9 and 30, respectively. Claim 12 has also been amended for clarification purposes and to positively recite the method steps of the present invention. Claims 8 and 27 were amended to change their dependencies. New claim 31 has been added, which is similar to claim 18 with the added features of claims 16 and 17. Claims 3-8, 10-14, 16-18 and 20-24, 26-29 and 31 are now currently pending in this application.

Claims 3-8, 10-14, 16-18, 20-24 and 26-30 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 5,765,397 (Honda et al) in view of U.S. Patent No. 4,042,332 (Saitoh et al) for the reasons given in pages 2-6 of the Office Action. Reconsideration and withdrawal of this rejection are respectfully requested for at least the reasons which follow.

Claims 9 and 25 were not rejected on this ground. These claims were specifically directed to the feature of adding hydrogen to the evaporated gas, which gas includes oxygen, methane, and hydrocarbons other than methane, and where the hydrogen/oxygen ratio is

between 10% and 40%. The advantages of adding hydrogen to the evaporated gas are disclosed in the specification at page 7, lines 6-20.

Honda et al '397 neither discloses nor suggests the step of adding hydrogen to an evaporated sample drawn from a liquid oxygen bath of a unit for the production of gases from air. Saitoh et al '332 likewise does not disclose the step of separately adding hydrogen to the air sample drawn from the atmosphere. Accordingly, the cited art in combination does not disclose or suggest the embodiment of claims 9 and 25. This feature has now been added to independent process claim 12, which is submitted to be clearly patentable over the cited references. Claims 3-8, 10, 11, 13, 14, 20-24, 26 and 27 are all directly or indirectly dependent upon claim 12 and likewise are submitted to be allowable.

The Office Action asserts that Saitoh et al '332 discloses a means for introducing hydrogen into the gas, referring to suction pump 1 shown in Figure 1 thereof (page 4, last line of the Action). Respectfully, Applicants disagree.

Suction pump 1 in the apparatus of Saitoh et al '332 is designed solely to withdraw an air sample from the atmosphere for analysis. There is no disclosure in this document of adding hydrogen to the air sample (hydrogen is already present in the air sample) or of any advantage to be attained by adding hydrogen. Honda et al '397 does not disclose a step of adding hydrogen to the evaporated oxygen sample drawn from the liquid oxygen bath. Accordingly, those of ordinary skill would not have been motivated to modify the apparatus of Honda et al '397 to add a means for introducing hydrogen into the evaporated oxygen sample.

In view of the above, the §103 rejection over Honda et al '397 in view of Saitoh et al '332 should be reconsidered and withdrawn. Such action is earnestly solicited.

From the foregoing, further and favorable action in the form of a Notice of Allowance is believed to be next in order and such action is earnestly solicited. If there are any questions concerning this paper or the application in general, the Examiner is invited to telephone the undersigned at (703) 838-6683 at his earliest convenience.

Respectfully submitted,

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